

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1643 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
CHOTHAJI CHELAJI THAKOR

Versus

STATE OF GUJARAT

-----  
Appearance:

MR AN PATEL for Petitioner

MR JM THAKORE, Advocate General, assisted by MR SR

DIVETIA for Respondents

-----  
CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/09/97

ORAL JUDGEMENT

1. The petitioner has filed this special civil application for himself as well as for eight other employees of the respondent, who are working as daily wagers for a period of about 10 to 20 years.

2. Prayer has been made by the petitioner in the special civil application that the direction may be issued to the respondent to consider their cases for

regularisation in terms of the resolution of the Government dated 17th October, 1988.

3. I had occasion to consider the resolution of the Government dated 17th October, 1988 which has been passed for the daily wagers working in P.W.D. and other departments of the Government of Gujarat. Subsequently, this resolution has been supplemented by further resolution. In that resolution, it has been provided that a daily wager who has completed five years of service as on 1st October, 1988 may be given the benefit of pay in the regular pay scale of the concerned post. Further certain other benefits including the retirement benefits have also been conferred on the basis of length of service.

4. The petitioners are working as daily wagers prior to 1st October, 1988, and as such, their grievance for not considering their case for conferment of benefits as given to the daily wagers under the resolution dated 17th October, 1988 deserves acceptance.

5. In the result, this special civil application succeeds and the same is allowed. The respondents are directed to consider the case of the petitioner and other employees whose names have been mentioned in para-2 thereof for giving them the benefits in accordance with the resolution dated 17th October, 1988. This exercise has to be undertaken within a period of two months from the date of receipt of certified copy of this order. In case the petitioners are found suitable for benefits as conferred under the resolution dated 17th October 1988 then all the consequential benefits should be given to them within a period of two months next. In case the petitioner or other employees named in para no.2 of this petition are not found eligible for benefits to be given under the resolution dated 17th October, 1988 then a reasoned order may be passed and copy of which may be sent to the petitioner and other daily wage employees by registered post A.D.. Liberty is granted for revival of this special civil application in case of any difficulty. The special civil application and rule stand disposed of in the aforesaid terms with no order as to costs.

\*\*\*\*\*

